

**STATE OF RHODE ISLAND
DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES**

PUBLIC NOTICE OF PROPOSED RULE-MAKING

In accordance with Rhode Island General Law (RIGL) 42-35 and 42-72-5, notice is hereby given that the Department of Children, Youth and Families proposes to amend the following DCYF rule:

ADOPTION SUBSIDY

This rule has been amended in compliance with State Plan requirements under Title IV-E of the Social Security Act as amended by Federal law. This revised rule clarifies that in all cases a child must meet the definition of special needs to be eligible for adoption assistance, reduces the age from twelve (12) to nine (9) as a factor in determining that a child has special needs, provides that adoption subsidy payments terminate when a child reaches the age of eighteen (18) and that DCYF will assist families post-adoption with application for supplemental security income (SSI) benefits prior to the time that a child with a severe physical, emotional or mental disability reaches the age of eighteen (18), clarifies DCYF staff responsibilities in negotiating subsidy provisions with prospective adoptive parent, changes time frame for recertification of subsidy from annually to every two (2) years, provides that If a family moves out-of state and a needed service specified in the adoption subsidy agreement is not available in the new state of residence, the Department remains financially responsible to provide that service and clarifies language relating to Federal Title IV-E Adoption Assistance eligibility in accordance with federal law. The previous version of this policy, refiled 1/5/07, is superseded by this amended version.

In the development of this rule, consideration was given to the following: (1) alternative approaches; and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach or duplication or overlap was identified based upon available information.

This proposed rule is accessible on the R.I. Secretary of State website (<http://www.sec.state.ri.us/ProposedRules/>) and the DCYF website (<http://www.dcyf.ri.gov>) or available in hard copy upon request (401 528-3686 or RI Relay, dial 711). Interested persons should submit data, views or written comments by February 27, 2009 to Dorothy Hultine, Implementation Director for Policy & Programs, Department of Children, Youth and Families, 101 Friendship Street, Providence, RI 02903.

In accordance with RIGL 42-35-3, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

The Department of Children, Youth and Families does not discriminate on the basis of race, color, national origin or handicap in acceptance for or provision of services or employment in its programs or activities.

Patricia Martinez, Director

Adoption Subsidy

Rhode Island Department of Children, Youth and Families

Policy: 700.0090

Effective Date: October 8, 1984 Revised Date: ~~September 2, 2003~~ Version: ~~5-6~~

The adoption subsidy program provides financial and medical assistance to make adoption possible for special needs children awaiting adoption in the custody of the Department or, under certain circumstances, a non-profit, private, licensed child-placing agency. Through the provision of adoption subsidy, ~~more special needs~~ children with special needs can be provided with permanent adoptive families and enjoy the benefits of family security, love and nurturing. Families adopting special needs children, who have previously been in foster care as a result of abuse and neglect, need and deserve support, including an array of services, to meet the challenges that special needs adoptions present.

The Adoption Assistance and Child Welfare Act of 1980 (PL 96-272) created the first federal adoption assistance program under Title IV-E. Eligibility for the federal adoption assistance program is linked to the previous criteria for eligibility for Aid to Families with Dependent Children (AFDC) and eligibility for Social Security Income (SSI) benefits. In efforts to increase the number of special needs adoptions, subsequent changes to federal law embodied in the Tax Reform Act of 1986 (PL 99-514) and the Adoption and Safe Families Act of 1997 (PL 105-89), provide additional financial incentives to states and adoptive parent(s). Rhode Island General Law 15-7-25 also provides for a state funded adoption subsidy program for a child with special needs not eligible for the federal adoption assistance program.

A child must meet all of the following three requirements to be eligible for federal or state adoption assistance.

- ◆ A determination must be made that it is not in the child's best interest to return home.
- ◆ A specific factor or condition, which could make the child difficult to place in an adoptive family without adoption assistance, must be present. The presence of one or more of these characteristics qualifies the child as a child with special needs. Such ~~factors~~ characteristics include:
 - The child has a documented medical condition or a physical, emotional or mental disability.
 - The child is a member of an ethnic or racial minority.
 - The child is over the age of ~~twelve-nine~~ (129).
 - The child is a member of a sibling group being adopted into the same home as a sibling.
 - The child has experienced a prior adoption disruption or dissolution.
 - The child is at high risk of developing a medical condition or a physical, emotional or mental disability, based upon family background or history. (In this situation, a child may be eligible for deferred subsidy, which would include a medical subsidy without financial assistance. In the event a disability, based upon family background or history, is diagnosed in the future, the child may then be eligible to receive financial assistance.)
- ◆ Reasonable efforts to place the child without adoption assistance must first be made, except in certain situations when a determination has been made by the Department that it is contrary to the child's best interests to be moved (e.g., a child being adopted by a relative who could not afford to adopt the child without subsidy).

The prospective adoptive parent(s) of a special needs child must be informed by the assigned Family Service Unit (FSU) caseworker of the availability of adoption assistance for an eligible child. The DCYF Permanency/Adoption Services Unit staff are available for consultation. The

assigned Permanency/Adoption Services worker negotiates the subsidy provisions with the prospective adoptive parent(s). Post-adoption assistance may include an ongoing financial and medical subsidy and the funding of other expenses such as child day care and respite services. The subsidy may involve financial assistance and Title XIX Medicaid coverage, or a medical subsidy only. Adoption assistance is also available for non-recurring expenses, which are one-time expenses, such as reasonable and necessary adoption related fees, court costs, attorney fees and other expenses directly related to the legal adoption of a child with special needs. These fees must be incurred by the adoptive parent, must not be reimbursed from other sources or funds and must not be incurred in violation of State or Federal law. Generally, a Adoption subsidy payments will terminate when a child reaches the age of eighteen (18). ~~If the child is enrolled in school and will graduate prior to the child's nineteenth birthday, the subsidy will be extended through the month of the child's graduation. If the child has a severe, pre-existing physical, mental or emotional disability or physical condition which is unlikely to change, the adoption assistance may be provided until the child is twenty-one (21) years of age.~~

The adoption subsidy is intended to supplement the resources of the adoptive family and the community and cannot exceed the amount the child would receive if he or she was residing in a Department foster home. The amount of the adoption assistance payment is determined through the discussion and negotiation process between the adoptive parent(s) and a representative of the Department based upon the needs of the child and the circumstances of the family. The payment that is agreed upon should combine with the resources of the parents to cover the ordinary and special needs of the child and other anticipated needs such as child care or respite. Anticipation and discussion of these needs are part of the negotiation of the amount of the adoption assistance payment. The terms of the adoption assistance agreement must be negotiated and agreed upon by the Department and the prospective adoptive parent(s) both sides prior to the finalization of the adoption. A special needs child eligible for an adoption subsidy in Rhode Island will continue to receive a subsidy if the adoptive family moves to another state after the adoption is finalized.

The adoption subsidy assistance agreement must be recertified annually every two (2) years through the Permanency/Adoption Services Unit. At any time during the life of the agreement, either the Department or the adoptive parent(s) may request an adjustment in the adoption subsidy payment. Some situations that may justify an adjustment to the adoption subsidy payment include: changes in the federal benefits, a change in the child's needs or the adoptive family's situation, the placement of the child in out of home care, the lack of availability of a program or a shortage of state or federal funds. It is the responsibility of the adoptive parent(s) to inform the Adoption Services Unit of any changes in circumstances that may affect the adoption subsidy payment, including address changes and notification if the adoptive parent(s) is no longer supporting the child. If the Department denies the adoptive parent(s) request for an increase in adoption subsidy or revokes or suspends a state funded subsidy payment or service, the adoptive parent(s) has the right to request a fair hearing in accordance with DCYF Policy 100.0055 Complaints and Hearings~~the Department's administrative hearing policy~~.

The subsidy agreement represents the total contract between the adoptive parent(s) and the Department. If an adoptive parent has questions about the subsidy, the Permanency/Adoption Services Unit is available to help the family, including assisting with referrals for community services.

Related Procedures

Eligibility for Adoption Assistance/Subsidy

Types of Adoption Assistance/Subsidy

Adoption Assistance Application and Approval Process

Re-certification, Adjustment and Termination of Adoption Assistance

Eligibility for Adoption Assistance/Subsidy

Procedure from Policy 700.0090: Adoption Subsidy

- A. Identification of Special Needs** - A child is considered to have special needs and to be eligible for federal or state adoption assistance if the child meets all of the following three (3) criteria:
1. A determination has been made that the child cannot or should not be returned to the parent's home.
 2. A special factor or condition exists whereby it is reasonable to conclude that the child cannot be placed with an adoptive family without adoption assistance. Worker must document the specific factor that makes a child difficult to place. This may require written documentation from medical, mental health, educational or other professional. Such factors include:
 - a. The child has a documented medical condition or a physical, emotional, or mental disability.
 - b. The child is a member of an ethnic or racial minority.
 - c. The child is over the age of ~~twelve-nine~~ (912).
 - d. The child is a member of a sibling group being adopted into the same home as a sibling.
 - e. The child has experienced a prior adoption disruption or dissolution.
 - f. The child is at high risk of developing a medical condition or a physical, emotional or mental disability, based upon family background or history. (In this situation, a child may be eligible for deferred subsidy, which would include a medical subsidy without financial assistance. In the event a disability, based upon family background or history, is diagnosed in the future, the child may then be eligible to receive financial assistance.)
 3. Reasonable efforts have been made without success to locate an adoptive home which does not require a subsidy.
 - a. Worker must document reasonable efforts to place a child without subsidy. Such efforts include registering child with adoption exchanges, such as Adoption RI, and asking the adoptive parent(s) if they are willing to adopt without a subsidy.
 - b. The only exception is if the Department determines that it is in the child's best interest to be adopted by a relative caretaker or foster care family who could not afford to adopt the child without subsidy (e.g., the child has resided in the home for a significant period of time and a significant parent/child relationship exists).
- B. Title IV-E Eligibility**
1. Eligibility for Title IV-E Adoption Assistance exists when any of the following apply and the child meets the definition of "special needs".
 - a. Child was eligible for Title IV-E at the time of initial placement, or would have been AFDC eligible and met all other eligibility criteria if application had been made, ~~and is IV-E eligible in the month the adoption petition is initiated.~~
 - b. Child is deemed SSI eligible before the legal finalization of the adoption.
 - c. Child is eligible as the child of a minor parent if the child meets all federal requirements and meets the definition of "special needs."
 - d. Child is eligible due to prior IV-E adoption assistance eligibility, ~~and meets definition of "special needs."~~

2. A Title IV-E Eligibility Technician will determine if a child is eligible for the federally funded Title IV-E Adoption Assistance Program. A child who is not eligible for federal funds may be eligible for a state-funded subsidy.
 - a. The [Permanency/Adoption Services Unit](#) worker contacts a Title IV-E Eligibility Technician in the Federal Benefits Unit for assistance in completing the IV-E eligibility information section in the Subsidy Agreement.
 - b. After IV-E eligibility determination is made, the [Permanency/Adoption Services Unit](#) worker will be able to accurately inform adoptive parent(s) about benefits the child is eligible to receive.

C. Eligibility for Subsidy until Age Twenty-one (21)

- ~~1. A child is generally eligible for adoption subsidy until he or she reaches the age of eighteen (18).~~
- ~~2. A child with a severe, pre-existing physical, emotional or mental disability or physical condition that is unlikely to change may be eligible to receive adoption subsidy payments until age twenty-one (21).~~
 - ~~a. Worker must obtain documentation of severe physical, emotional or mental disability or physical condition.~~
 - ~~b. Documentation must be submitted for administrative review and approval with the request for adoption subsidy.~~

D.C. Inter-jurisdictional Adoptions

1. If a child in the custody of the Department is placed for adoption with a family in another state, it is the responsibility of the Department to process and fund the adoption subsidy. [If a needed service specified in the agreement is not available in the new state of residence, the Department remains financially responsible to provide that service.](#)
2. If a child is eligible for IV-E Adoption Assistance and moves out of state, the child will continue to receive a financial subsidy through RI, but is eligible to receive Federal Medicaid in the new state of residence.
3. If a child is receiving a state funded subsidy and moves out of state, the child will continue to receive a state funded financial subsidy and may qualify for Medicaid coverage in the new state of residence if the state participates in the "COBRA Option" and exercises "reciprocity". If not, the child will continue to receive a medical subsidy funded by Rhode Island at RI's Medical Assistance rates.
 - a. The Cobra Option (or State Option) was established by the Consolidated Omnibus Reconciliation Act of 1986 and provides for states to have the option to include non-IVE eligible children in their Medicaid programs.
 - b. Reciprocity refers to states that are Cobra or State Option states that also agree to include in their Medicaid program children on subsidy from other states, for whom they are now the resident state, and who are not IVE eligible.

Types of Adoption Assistance/Subsidy

Procedure from Policy 700.0090: Adoption Subsidy

A. Financial Subsidy

1. The Foster Care Payment Assessment tool is used by the [Permanency/Adoption Services Unit](#) caseworker to determine the maximum allowable rate that the child, based on his or her needs, would receive if the child was placed in a Department foster home. The worker then negotiates a rate with the adoptive family, based on the child's needs and the family's circumstances, up to, but not in excess of, the maximum allowable rate.
 - a. If the adoptive parent(s) agrees to the amount negotiated, and this amount is less than or equal to the allowable amount, the worker proceeds with the subsidy request.
 - b. If the adoptive parent(s) disagrees with the amount determined to be appropriate and if further negotiation is not an alternative, the adoptive parent(s) may request a hearing in accordance with [DCYF Department procedure for Complaints and Hearings](#) (see [Policy 100.0055 Complaints and Hearings](#)).
2. If a child receives Supplemental Security Income (SSI), the [Permanency/Adoption Services Unit](#) worker informs the prospective adoptive parent(s) that he/she may apply for, and, if eligible, receive SSI, adoption subsidy or both. SSI is an assistance program funded by the state and federal government based upon a child's disability according to established criteria and the income of the parent(s) if the child is living at home (see [Policy 1000.0005 Social Security Benefits - SSI](#)).
 - a. The [Permanency/Adoption Services Unit](#) caseworker contacts the Trust Account Unit in the Federal Benefits Office to gather information regarding the effects of the adoption finalization on the child's SSI benefits.
 - i. A means test of the income of the prospective adoptive parent(s) will determine if the child's SSI benefits will be maintained, decreased, increased, or terminated after the adoption.
 - ii. The prospective adoptive parent(s) cannot formally apply for SSI benefits for the child until the adoption is finalized.
 - b. The [Permanency/Adoption Services Unit](#) caseworker relays the SSI information to the adoptive parent(s).
 - i. If the amount of SSI to be continued after the adoption exceeds the allowable amount of the adoption assistance, a child would be eligible for SSI equal to the difference between the child's Title IV-E Adoption Assistance payment and the SSI benefit.
 - ii. If the IV-E Adoption Assistance exceeds the SSI standard, the adoptive parent(s) may choose to apply only for IV-E Adoption Assistance.
 - iii. The subsidy amount is not affected by the child's post adoption eligibility for SSI benefits. The family informs Social Security Administration of the child's adoption assistance payment and the SSI benefit is adjusted for the receipt of adoption assistance.
3. If the child receives Social Security Administration (SSA) benefits or Veterans Administration (VA) benefits, the benefits accompany the child wherever he/she goes. The [Permanency/Adoption Services Unit](#) caseworker must notify the adoptive parent(s) of the child's eligibility for these benefits. SSA benefits are provided for dependents and survivors of individuals who have earned sufficient credits during employment and who qualify for benefits. VA benefits are provided

to children of a deceased, disabled, or retired qualifying veteran (see [Policy 1000.0010 Social Security Benefits - SSA](#) and [Policy 1000.0015 VA Benefits](#)).

- a. At the time of adoption, the Federal Benefits Unit will notify the Social Security Administration that the Department will no longer be payee for these benefits, which will be temporarily suspended pending application by the adoptive parent(s).
- b. The parties to the subsidy agreement understand that, to the extent that the child is eligible for SSA or Veteran benefits, the adoptive parent(s) shall apply for representative payee status for the child. The amount of the subsidy shall be reduced by the amount recouped by the adoptive parent(s) in such capacity. The adoptive parent(s), upon notification of approval as representative payee agrees to notify the Department within ten (10) days of such approval, and of the amount of the payment. The adoptive parent(s) is also required to remit to the Department any retroactive lump sum benefit payment received subsequent to the signing of the Subsidy Agreement.

~~4. The worker can confer with the Adoption Services Unit and/or the Federal Benefits Unit if questions arise about which benefit or combination of benefits (IV-E Adoption Assistance, SSI, SSA, VA) the child or family may be eligible to receive.~~

5.4. The worker requests that prospective adoptive parent(s) sign a Release of Confidential Information included in the subsidy agreement to grant permission for the Department to release information to Social Security Administration or Veterans Administration in order to facilitate achievement of representative payee status for the child's benefits.

B. Medical Subsidy

1. Every child residing in Rhode Island for whom there is an adoption subsidy agreement in effect is eligible for Medical Assistance.
2. If the family has access to third party family medical coverage, ~~(e.g., Blue Cross),~~ the [Permanency/Adoption Services Unit](#) worker informs the prospective adoptive parent(s) that the child must be included on the family's coverage if there is no additional cost to the adoptive family.
3. If the child's inclusion on the family's medical coverage would require an additional payment, the family may be referred to the Rhode Island Department of Human Services to determine eligibility for assistance with the additional health insurance premium.
4. If there is no third party family medical coverage for the child, the child's primary coverage will be through Medical Assistance.
5. Third party coverage, if available, must be utilized first. Medical Assistance will cover some expenses not covered by third party medical coverage; however, the provider must accept Rhode Island Medical Assistance rates.
6. Medical needs not covered by third party coverage or Medical Assistance may be subsidized if agreed upon and included in the agreement prior to the approval of adoption assistance. The Regional Director must approve all agreements of this type. The office of Management and Budgeting must also be notified to establish a protocol for payment.
7. For children who move out of state, please refer to procedure [Eligibility for Adoption Assistance/Subsidy, section DC. Inter-jurisdictional Adoptions.](#)
8. If the adoptive parent(s) requests a medical subsidy only, the adoption subsidy agreement is entered into stating that the subsidy is for medical only. As long as an agreement exists that establishes a subsidy, other forms of adoption assistance can be provided in the future if the need arises.

C. Non-Recurring Expenses

1. The Department is required under federal law to make payments to adoptive families for non-recurring expenses incurred in the legal adoption of a child with special needs (refer to procedure [Eligibility for Adoption Assistance/Subsidy, section A. Identification of Special Needs.](#))
2. Non-recurring expenses for which the Department may assume financial responsibility include reasonable and necessary adoption fees, court costs and attorney fees. Additional expenses associated with the adoption, such as travel and lodging costs necessary for adoptive parent(s) to participate in visitation, placement and finalization activities are also reimbursable costs, usually associated with interstate adoptions. Other reimbursable expenses associated most often with non-DCYF adoptions include agency fees for home studies, placement supervision and finalization services.
3. Fees must be incurred by the adoptive parent(s), must not be reimbursed from other sources or funds and must not be incurred in violation of State or Federal law.
4. The adoption subsidy agreement provides for a non-recurring expense payment of up to \$400, which is the maximum allowable amount. The non-recurring expense request must be approved prior to the finalization of the adoption. The adoptive parent(s) is responsible for identifying the type(s) of non-recurring expense(s) to be covered. The [Permanency/Adoption Services Unit Family Service](#) worker must record each non-recurring expense in the subsidy agreement.
5. The adoptive parent(s) is responsible for submitting receipts and/or other documentation of the non-recurring expense to the [Permanency/Adoption Services Unit](#). An attorney may submit an itemized bill directly to the [Permanency/Adoption Services Unit](#) for legal fees associated with the finalization of the adoption.
6. The Adoption Subsidy Coordinator will review the non-recurring expense request to ensure that the fees are appropriate and documented and, if approved, will authorize reimbursement directly to the adoptive parent(s) subsequent to the finalization of the adoption. In the case of legal fees, the attorney may be reimbursed directly via a funding request prepared by the Adoption Services Unit.
7. The [Permanency/Adoption Services Unit](#) will track the amount disbursed for non-recurring expenses on a case-by-case basis, up to the maximum \$400.00.
8. If the adoptive parent(s) is not requesting assistance for non-recurring expenses, this should be documented [in by indicating "None Requested" in the Assistance Section \(D. Non-recurring Expenses\) of the Adoption Subsidy Agreement.](#)

D. Deferred Subsidy

1. A child at high risk of developing a medical condition or a physical, emotional or mental disability, based upon family background or history, may be eligible for a deferred subsidy.
2. High risk indicators for developing future problems related to a medical condition or a physical, emotional or mental disability include the following:
 - a. Social and medical family history, such as, mental illness of biological parents or family.
 - b. Traumatic events or life experiences such as severe sexual abuse.
 - c. Prenatal exposure to drugs or alcohol.
3. For a child to be eligible to receive a deferred subsidy, an adoption subsidy agreement must be created, signed and approved prior to the finalization of the adoption. The specific background factor(s) or family history that might place the child at risk for future problems must be included in the adoption subsidy agreement.
 - a. No monthly payment [or child care assistance amount](#) is initiated at the time of the adoption.

- b. The child is eligible for a medical subsidy only.
4. If the child later develops a medical condition or a physical, emotional or mental disability related to the specific pre-existing background factor, based upon family background or history, the adoptive parent(s) may make a written request for financial assistance. Documentation of the medical condition or disability must be provided to the [Permanency/Adoption Services Unit](#).
5. The Department is responsible to make a decision regarding the request within thirty (30) working days.
6. If the Department concurs with the request, a subsidy payment will be initiated. Payments will be retroactive to the date that the written request was received.

E. Other Post Adoption Services

1. [ChildDay](#) Care Services
 - a. ~~If it is determined through pre-screening by the DCYF Permanency/Adoption Services Unit that an adoptive family is likely to be eligible for child care assistance through the Families will be referred to the~~ Rhode Island Department of Human Services (DHS), ~~the adoptive family may be referred to DHS to apply for child care assistance. determine eligibility for daycare.~~ Eligibility for ~~DHS day-child~~ care services is based upon family income and the need for ~~day-child~~ care in accordance with the provisions of the Family Independence Act outlined in RIGL 40-5, 1-17.
 - b. In the event an adoptive parent~~(s)~~, ~~who applies to DHS for child care assistance~~ is not found eligible for ~~day-care~~ services through DHS, the adoptive parent~~(s)~~ may apply to ~~this Department~~[DCYF](#) for ~~day-child~~ care services for a child up to the age of six (6) as part of the adoption assistance. The adoptive parent~~(s)~~ must provide verification of denial of eligibility for ~~day child~~ care services through DHS.
 - c. The Department will cover the cost of ~~daychild~~ care services when necessary under the following circumstances:
 - i. The child is under the age of six (6).
 - ii. The adoptive parents ~~living in the household shall~~ provide documentation of employment and proof that their hours of employment will not allow them to care for the child.
 - d. ~~ChildDay~~ care services will be provided by a licensed ~~childday~~ care provider, at (DHS) rates, up to the child's sixth birthday.
2. ~~ChildDay~~ care, respite and other special services are included in ~~the Assistance Section (C. Social Services) of~~ the Adoption Subsidy Agreement.
3. ~~ChildDay~~ care services, respite services or other special services are subject to review and re-authorization as part of the re-certification process.
4. If an adoptive parent has questions regarding adoption assistance, the ~~Permanency/Adoption Services Unit~~ is available to ~~help-assist~~ the family, ~~including assisting~~ with referrals for community services, ~~including application for supplemental security income (SSI) benefits prior to the time that a child with a severe physical, emotional or mental disability reaches the age of eighteen (18).~~

Adoption Assistance Application and Approval Process

Procedure from Policy 700.0090: Adoption Subsidy

- A. After a determination is made by FSU staff, in consultation with the Permanency/Adoption Services Unit staff that a child is eligible as a special needs child for an adoption subsidy and a decision is made regarding the child's eligibility for Title IV-E Adoption Assistance, the Permanency/Adoption Services Unit worker ~~needs to have~~ a thorough discussion with the prospective adoptive parent(s) in order to begin negotiating the amount of adoption assistance.
- B. The Permanency/Adoption Services Unit worker completes the adoption subsidy text document (SM10a 133, DCYF #030) in RICHIST and forwards it electronically to the Adoption Subsidy Coordinator. If it is a direct consent adoption, the subsidy (DCYF #030) must be completed as a Microsoft Word document located in New Office Documents.
1. The Coordinator reviews the subsidy to ensure compliance with state and federal guidelines.
 2. The Coordinator provides worker with comments and corrections.
 3. The Coordinator provides final approval for subsidy.
- C. After the ~~worker makes any necessary changes to the~~ subsidy agreement has been approved by the Adoption Subsidy Coordinator, the document is forwarded to the Permanency/Adoption Services Unit worker. The worker makes any recommended changes and prints a copy of the agreement. The worker contacts the adoptive parent to schedule a meeting to review and sign the subsidy agreement, attaches a copy of the Subsidy Coordinator's comments, and a short summary documenting the child's special needs including efforts made to place child without adoption assistance when indicated, and the particular circumstances of the adoptive parent(s). If DCYF funded day care is requested, the summary must indicate that the adoptive family does not appear to be eligible for day care assistance through DHS. The packet is then provided to the supervisor for submission for administrative approval.
- ~~D. The supervisor submits the above with a cover letter supporting or opposing the request for subsidy to the Regional Director.~~
- ~~E. The Regional Director reviews the information. If approved, he or she signs the subsidy agreement and returns the material to the supervisor.~~
- ~~F. If the subsidy is approved, the worker notifies the adoptive parent(s) and presents the completed and approved agreement for parental signature.~~
- G-D. The adoption subsidy agreement, specifying the duration of the subsidy, must be approved and signed by the ~~appropriate Regional Director~~ Adoption Subsidy Coordinator and ~~signed by~~ the adoptive parent(s) prior to the adoption finalization and before adoption assistance payments can be made.
- H-E. The signed adoption subsidy is distributed as follows:
1. The original is included in the subsidy record in the Permanency/Adoption Services Unit, ~~forwarded to the Adoption Subsidy Coordinator for the creation of the subsidy record.~~
 - a. ~~A copy of the Foster Care Payment Assessment and the DHS eligibility determination for DHS funded day care should also be forwarded to the Adoption Subsidy Coordinator.~~

- ~~b. The approved and signed subsidy may be sent to the Adoption Subsidy Coordinator as soon as it becomes available. There is no need to wait until finalization.~~
- 2. The adoptive family is provided with one complete copy of the subsidy for their records.
- 3. Another copy of the subsidy is forwarded to the FSU worker.
 - a. The subsidy document is included in the packet submitted for administrative approval to the Regional Director (refer to DCYF Policy 700.0085, Adoption).
 - b. A copy of the subsidy is incorporated into ~~maintained in~~ the child's adoption case record.
 - c. A copy of the subsidy is forwarded to the Federal Benefits Unit and included in the Title IV-E record.

4.F. If the subsidy is denied in total or in part, the adoptive parent(s) may request a hearing in accordance with Department procedure for Complaints and Hearings (see Policy 100.0055 Complaints and Hearings). The ~~Regional Director~~Adoption Subsidy Coordinator provides the rationale for denial and written notification is sent to prospective adoptive parent(s).

Re-certification, Adjustment and Termination of Adoption Assistance/Subsidy

Procedure from Policy 700.0090: Adoption Subsidy

A. Re-Certification Process

1. The Adoption Subsidy Coordinator in the Permanency/Adoption Services Unit completes the re-certification of adoption assistance every two (2) years annually. Approximately eight (8) weeks prior to the date anniversary of the finalized adoption, the Re-certification of Subsidized Adoption form (DCYF #097) and cover letter are sent to adoptive parents for purposes of documenting whether or not there is a change in the needs of the child or the circumstances of the adoptive family.
 - a. Designated staff person logs the date the DCYF #097 is sent to adoptive parent(s).
 - b. Adoptive parent(s) is asked to respond by the date provided on the cover letter, which is the last day of the anniversary month.
 - c. Upon return of the DCYF #097, the document is included in the adoption subsidy record. Subsidy Coordinator reviews the information and signs the re-certification, authorizing a continuation of the subsidy. A copy of the signed re-certification is forwarded to the adoptive parent(s).
 - d. If the Permanency/Adoption Services Unit Coordinator receives no response within thirty (30) days, a second letter (DCYF #097A) and re-certification form is sent to adoptive parent(s).
 - e. In the case of a State funded adoption subsidy, if there is no response within thirty (30) days of the second correspondence, a letter is sent by the Coordinator to adoptive parent(s) informing them that adoption assistance will be suspended.
 - f. The Adoption Subsidy Coordinator indicates any subsidy changes in RICHIST.
2. The purpose of the re-certification process is to review whether the adoptive parent(s) continues to be legally responsible for the support of the child and continues to support the child.

B. Adjustment to the Adoption Assistance

1. At any time during the term of the Adoption Subsidy Agreement, either the Department or the adoptive parent(s) may request an adjustment in the adoption subsidy payment. Some situations that may justify an increase or decrease in the adoption subsidy payment or services include:
 - a. Changes in SSA or VA benefits - The Department will be reimbursed if parent(s) receives retroactive lump sum payment after adoption as outlined in adoption subsidy agreement.
 - b. A change in the adoptive family's situation (including an increase in family income or availability of funds)
 - c. A request for an increase in amount of adoption assistance by adoptive parent(s) up to the amount the child would receive in a Department foster care home.
 - d. When an adopted child is placed in out of home care. The Department will review and may negotiate a reduction in payment for the duration of an adopted child's placement in out of home care.
 - e. A shortage of state or federal funds.
 - f. A lack of availability of a program.
2. In the event the adoptive parent(s) requests an increase in the adoption subsidy payment, the adoptive parent(s) shall be responsible to document the changes in

the needs of the child or the circumstances of the adoptive family to support the request for an increase in the adoption subsidy payment not to exceed the limits set forth in DCYF policy.

3. The Department has the right to approve or deny the request by the adoptive parents to increase the adoption subsidy payment.
4. In the event the Department denies a request to increase the adoption subsidy payment, the adoptive parent(s) has a right to request a fair hearing pursuant to the Department's procedure for Complaints and Hearings (see [Policy 100.0055 Complaints and Hearings](#)).
5. The Department has the right to initiate a request to decrease the adoption subsidy payment at any time during the term of the subsidy agreement.
6. Adoption assistance payments for a [child who is](#) IV-E eligible ~~child~~ may be reduced with the concurrence of the adoptive parent(s).
7. The provision of state funded services, including state funded adoption subsidy payments, is subject to ~~annual DCYF~~ review and approval [every two \(2\) years of the Department](#).
8. In the event the Department suspends or revokes the award of a state funded service, including a state funded adoption subsidy payment, the Department shall provide the adoptive parent(s) with written notice of its determination of the suspension or revocation of said service.
9. In the event, the Department revokes or suspends a state funded service as referenced above, the adoptive parent(s) has a right to request a fair hearing pursuant to the Department's procedure for Complaints and Hearings (see [Policy 100.0055 Complaints and Hearings](#)).
10. The ~~Permanency/Adoption Services Unit Adoption Subsidy Coordinator~~ is responsible to negotiate with the adoptive parent(s) any adjustment to the adoption subsidy payment.

C. Termination of Adoption Assistance

1. Termination will occur in any of the following circumstances:
 - a. Upon the Adoptive Parents' request.
 - b. Child has attained the age of eighteen (18). ~~or age twenty-one (21) if subsidy is so authorized. If the child is enrolled in school and will graduate prior to his or her nineteenth birthday, the subsidy will be extended through the month of the child's graduation.~~
 - c. Adoptive parents are no longer legally responsible for child due to:
 - i. Child entering military service
 - ii. Emancipation of child
 - iii. Termination of parental rights
 - iv. Marriage or death of child
 - d. Department determines adoptive parent(s) is no longer providing support for child.
 - e. Upon the death of the adoptive parents of the child (one in a single parent family and both in a two-parent family).
2. The Department's obligation to provide for federal and/or state funded adoption subsidy payments and/or services is subject to the appropriation of funds. [Federal IV-E funded Adoption Subsidy Agreements may be subject to reduction in the event that the Department institutes an across the board reduction in the foster care maintenance rate.](#)
3. Upon termination of adoption subsidy, the Adoption Subsidy record is closed in RICHIST and the hard copy [subsidy](#) record is [forwarded to the DCYF Record Center and](#) incorporated into the adoptive family's permanent case record. ~~and forwarded to the Record Center.~~